

REMARKS:

Claims 1-3 remain in the application and are presented for re-consideration.

Claims 1-3 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,784,233 to Weber at cols. 1-5 and claims 1, 2, 3, 4 thereof. Weber describes a thermoplastic molding composition comprising A) from 1 to 97.85% by weight of at least one thermoplastic polyester, B) from 1 to 97.85% by weight of at least one polycarbonate, C) from 1 to 50% by weight of an elastomeric polymer, D) from 0.1 to 5% by weight of a phosphorous-containing stabilizer, E) from 0.05 to 2% by weight of an organic acid and, F) from 0 to 60% by weight of other additives. In dependent claims 2 and 3 are specified the thermoplastic polyester (A) and the organic acid (E).

The present invention claims a method of recycling commingled plastics waste containing min. 30 wt.% of polyolefins to tough thermoplastic material characterized in that polymer components of commingled plastics waste are compatibilized by an admixture of 2 - 15 wt.% of an ethylene - propylene copolymer (i) or a styrene - butadiene block copolymer (ii) or a combination of an ethylene - propylene copolymer (i) and a styrene - butadiene copolymer (ii) in any weight ratio together, with 0.1 - 2.5 wt.% of a secondary aromatic amine (iii) and by subsequent melt processing of the mixture.

From a comparison of the Weber patent with claims 1-3 here, it is clear that the only common feature is just the occurrence of elastomeric polymers as minor component of the composition according to claim 1 of Weber and as a component of the compatibilizer according to claim 1 of our patent application. In no case can the claims 1 to 3 of the current application be anticipated by Weber because Weber teaches a thermoplastic

mixture of polyesters with polycarbonate, therefore, is completely different material, whose components are in contrast to the subject claimed invention.

Weber teaches nothing about recycling and certainly no technique for compatibilizing a mixture of plastics for the purpose of recycling. The incidental overlap of some of the compositions adds nothing to Weber to suggest to the skilled artisan the advantages of the claimed invention or that any benefit at all is obtained by observing the claim limitations.

Accordingly, the application and claims are believed to be in condition for allowance and revival and allowance of this application is respectfully requested.

Respectfully submitted,

/PETER C. MICHALOS/
Peter C. Michalos
Reg. No. 28,643
Attorney for Applicant
ph. (845) 359-7700

Dated: February 19, 2008

NOTARO & MICHALOS P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, New York 10962-2100

Customer No. 21706

M:\PAT-AMD\J126-021\J126-021US-Amd.wpd